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# Advocate of Peace

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## ADVOCATE OF PEACE

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## OUR COURSE AS TO THE TREATY

THE meaning of the Treaty before the Senate having been largely cleared up, our duty now is to define it in writing and to ratify it. The majority report of the Committee on Foreign Relations of the Senate, submitted September 10, contains certain "amendments" to the text of the Treaty, and four "reservations" to be attached to the resolution of ratification. It is not necessary to dwell upon the amendments, for they are in all probability doomed to defeat. But the "reservations" express the conviction of America and define the treaty for Americans.

The position of THE ADVOCATE has been and is that amendments to the text of the Treaty would require re-submission of the document to the powers, but that reservations alter the Treaty as for ourselves only, and if no objections be raised within a reasonable time by the other parties to the Treaty it becomes operative *ipso facto* for all concerned, and that in accord with the modifications contained in the reservations. It is an established principle of international law that a party ratifying a treaty accompanied by reservations is not bound by such treaty except as qualified by the reservations. During the last generation thirteen treaties or conventions have thus been acted upon by the Senate. The majority report of the Senate Committee on Foreign Relations, following an established custom, proposed four reservations. In substance these proposed reservations are: First, that the right of the United States to withdraw from the League shall be unconditional; second, that the obligation of the United States

under Article 10 to employ force in controversies between other States, or to accept under Article 22 mandates for other nations, shall remain in the hands of the United States Congress for decision; third, that the right to control without question all matters of domestic jurisdiction shall be preserved to the United States; and, fourth, that the policies which have grown up under the Monroe Doctrine shall remain inviolable except by the United States itself. These are the four reservations at the center of the storm around the proposed Treaty. Shantung, the equality of voting power, and other amendments may be changed to reservations, and some of them probably will be. Yet these in the form of reservations need do no violence to Mr. Wilson's own interpretations.

Hence it does not seem that these reservations should cause much further delay in the ratification of the Treaty, because there seems to remain no fundamental difference of opinion concerning them. The President has agreed that the Treaty contains nothing detrimental to any of the principles set forth in the proposed reservations. He has repeatedly said just that, not by implication only, but categorically. Eleven days after the report of the Senate Committee, Mr. Wilson issued a statement in Los Angeles, California, in which he plainly said that there is no provision in the Covenant which will require the United States to engage in war without a declaration by Congress; that Article 10 commits the United States to no aggressive action without its consent; that there is nothing in the Covenant which stands in the way of the United States withdrawing from the League; and that there is no possibility of domestic questions, such as the immigration of the Japanese into the United States, being taken out of the hands of the United States by any action of the League. September 18 he issued a definite series of statements in San Francisco, in which he declared that under the Covenant foreign governments could not order American troops abroad. He has frequently argued that Shantung should be returned to China. He is perfectly clear that England could not outvote America in the League. Why not say these things in writing?

In the light of the fact that both groups of the controversy are in agreement upon what the proposed Covenant of the League of Nations means, there can be no harm in incorporating in the form of reservations the definitions which both sides accept. The course for our

representatives in the Senate is therefore plain. That course is to say in reservations what both sides agree the treaty means, ratify the instrument, that we may begin the long task of modifying the League of Nations to meet the needs of a war-stricken world.

These reservations will serve a useful purpose, render indeed an indispensable service. They will put in writing America's interpretation of the Treaty, the President's interpretation, the Senate's interpretation, and that beyond cavil. That is very important, for the President and the Senate of today are not the President and the Senate of tomorrow. They will not always be at hand to tell what the document means. The Treaty should be its own excuse for being.

### A RIGHT WORD FROM THE SECRETARY OF STATE

WE MAY be pardoned for calling the attention of our readers especially to the article by Mr. Lansing, appearing elsewhere in this issue. Mr. Lansing is so successful in keeping out of the public eye that the quality of his work is not always appreciated. In his address before the American Bar Association we find him interpreting our international situation in terms that are not only germane but fundamental to our international situation. His wholesome analysis of democratic nationalism as the corner-stone of the new order; his emphasis upon the importance of international law rather than a world-state law as the basis of our new international system; his insistence upon peaceable settlement of controversies between nations in accord with the principles of legal justice—these positions taken by the Secretary are sane, reassuring, and needed.

More particularly would we call the attention of our readers to that portion of his address where he specifically calls attention to the plans for the establishment of a Permanent Court of International Justice. It will be noted that the Secretary believes that the usefulness of the League of Nations depends wholly upon the proper constitution of such a Tribunal. It is as a breath of free air to find our Secretary of State calling attention to the Hague Conventions and to the great service which they rendered. The Secretary has his definite opinion of their detractors. The supreme contribution of those conventions lay in their emphasis upon the judicial settlement of international disputes. The hope of the present League of Nations lies in the same direction. As the Secretary says:

"As I see it, there is only one principle for the direction of international intercourse which will under present conditions command the universal approval of nations, and that is the principle of justice, not in the general and abstract

sense, but in the restricted sense of legal justice. \* \* \*

"In a word, international democracy exists in the sphere of legal justice and, up to the present time, in no other relations between nations."

Members of the American Peace Society will appreciate this word from this source, calling attention as it does once more to a vital aspect of the program of the American Peace Society. It is a contribution where a contribution is needed.

### AMERICA NO "MARBLE-HEARTED FIEND"

AMERICA and ingratitude are opposite terms, yet soldiers are still returning from France, remembering primarily their discomforts, and speaking in unfriendly terms of our "first and only ally." Agencies aiming to promote relief in that stricken country are finding their work increasingly difficult. American business men are slow in their help where France needs help. Gossip tells us that the French are inactive; that they are folding their hands and waiting for outsiders to put them on their feet again. Criticism of France, more frequent in conversation than in the press, is the pastime of many.

American business enterprises, most of them, have developed enormously since 1914. They are now planning with pardonable keenness to get hold of trade in the far sections of the world, and to increase every advantage already gained. The same thing is true of certain British industrial leaders. We are not here disposed to find fault with this ambition; but candor and justice should cause us to remember that the strides in our business advance—indeed, the very existence of our commercial life—is now due to the fact that for three years the breasts of French boys were bared to the German onslaught. If the manufacturing and commercial portions of our nation are more powerful today than ever before, it is because 1,400,000 French boys died there between us and the thing which threatened. American people will not forget this, nor fail in gratitude.

That zone of devastation hundreds of miles long, formerly supporting one-fifth of the French population, containing one-fifth of their industries and many miles of agricultural lands, lies there still in ruins. Lens, for example, one of the devastated towns which we saw from the ill-fated *Goliath-Farman*, housed before the war 40,000 coal miners. Not one of those houses is left. Furthermore, 98 per cent of the coal pits have been choked by the enemy. That single devastated place is but typical of all northeastern France, which is pertinent, and of the vicarious sacrifice which has made the success of our industries possible. America cannot